

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

January 2023 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

OSCAR AGUIRRE SILVA,  
EDWARD DONALDO RAMIREZ MARTINEZ  
aka "Edi Donaldo Ramirez  
Martinez," and  
DAVID RAY REYES,  
aka "Dray,"

Defendant.

CR No. 2:23-cr-00649-HDV

I N D I C T M E N T

[18 U.S.C. § 1951(a): Interference with Commerce by Robbery and Extortion; 18 U.S.C. § 1344(2): Bank Fraud and Attempted Bank Fraud; 18 U.S.C. § 1028A(a)(1): Aggravated Identity Theft; 18 U.S.C. § 981(a)(1)(c), and 28 U.S.C. § 2461(c): Criminal Forfeiture]

The Grand Jury charges:

COUNT ONE

[18 U.S.C. § 1951(a)]

[DEFENDANT SILVA]

On or about November 6, 2023, in Ventura County, within the Central District of California, defendant OSCAR AGUIRRE SILVA obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce by knowingly and willingly committing extortion, in that defendant SILVA unlawfully took and obtained money belonging to victim J.S.P., who was operating a taco

1 truck located near the intersection of Pacific Avenue and Mountain  
2 View Avenue in Oxnard, California, the payments to which and the  
3 inventory of which traveled in interstate commerce, with the consent  
4 of J.S.P., induced by the wrongful use of actual and threatened  
5 force, violence, and fear, to J.S.P.

COUNT TWO

[18 U.S.C. § 1951(a)]

[DEFENDANT SILVA]

On or about November 25, 2023, in Ventura County, within the Central District of California, defendant OSCAR AGUIRRE SILVA obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce by knowingly and willingly committing robbery, in that defendant SILVA unlawfully took and obtained money belonging to the Royal Spade Smoke Shop, located at 1037 S. Ventura Road, Oxnard, California, the payments to which and the inventory of which traveled in interstate and foreign commerce, in the presence of A.B.B., an employee of the Royal Spade Smoke Shop, against her will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to her person.

COUNT THREE

[18 U.S.C. § 1951(a)]

[DEFENDANT SILVA]

On or about November 26, 2023, in Ventura County, within the Central District of California, defendant OSCAR AGUIRRE SILVA obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce by knowingly and willingly committing robbery, in that defendant SILVA unlawfully took and obtained money belonging to the C Street Market, located at 122 N. C Street, Oxnard, California, the payments to which and the inventory of which traveled in interstate and foreign commerce, in the presence of M.G.H.P., an employee of the C Street Market, against her will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to her person.

COUNTS FOUR THROUGH EIGHT

[18 U.S.C. §§ 1344(2), 2(a), 2(b)]

[ALL DEFENDANTS]

A. INTRODUCTORY ALLEGATIONS

At times relevant to this Indictment:

1. JPMorgan Chase Bank, N.A. ("Chase Bank") was a financial institution insured by the Federal Deposit Insurance Corporation.

2. Citibank, N.A. was a financial institution insured by the Federal Deposit Insurance Corporation.

B. THE SCHEME TO DEFRAUD

3. Beginning on or about November 10, 2023, and continuing to an unknown date, in Ventura County, within the Central District of California, defendants OSCAR AGUIRRE SILVA, EDWARD DONALDO RAMIREZ MARTINEZ, also known as ("aka") "Edi Donaldo Ramirez Martinez," and DAVID RAY REYES, aka "Dray," each aiding and abetting the others, knowingly and with intent to defraud, executed, and attempted to execute, a scheme to obtain moneys, funds, credits, assets, and other property owned by and in the custody and control of Chase Bank and Citibank by means of materially false and fraudulent pretenses, representations, and promises, and the concealment of material facts.

4. The fraudulent scheme operated, in substance, as follows:

a. Defendants SILVA and RAMIREZ MARTINEZ would obtain stolen Chase Bank and Citibank credit and debit cards belonging to individual victims, such as victims E.L.H. and E.H., with the victims' names and account numbers embossed on the front.

b. Defendants SILVA, RAMIREZ MARTINEZ, and REYES would use the stolen Chase Bank and Citibank cards to make unauthorized purchases. In doing so, defendants falsely represented that they

were the authorized users of the stolen cards belonging to other people and concealed that the purchases were made without the authorized users' consent.

C. EXECUTION AND ATTEMPTED EXECUTION OF THE SCHEME

5. On or about November 10, 2023, in Ventura County, within the Central District of California, and elsewhere, defendants SILVA, RAMIREZ MARTINEZ, and REYES, knowingly and with intent to defraud, committed, attempted to commit, aided and abetted the commission of, and willfully caused the commission of acts, which constituted executions and attempted executions of the fraudulent scheme, namely, defendants used and attempted to use debit and credit cards stolen from E.L.H. on November 10, 2023, to purchase goods and products, in Oxnard and Ventura, California as follows:

COUNT	BANK	DEFENDANT (S)	ACT
FOUR	Citibank	SILVA and RAMIREZ MARTINEZ	Execution: Used a Mastercard credit card ending in -3938 in E.L.H.'s name at a Walmart located at 1729 S. Victoria Avenue, Ventura, California 93003 to make a purchase in the amount of \$284.46.
FIVE	Chase Bank	SILVA and RAMIREZ MARTINEZ	Execution: Used a Visa debit card ending in -7288 in E.H.'s name at a Walmart located at 1729 S. Victoria Avenue, Ventura, California 93003 to make a purchase in the amount of \$92.04.
SIX	Citibank	SILVA and RAMIREZ MARTINEZ	Attempted Execution: Used a Mastercard credit card ending in -3938 in E.L.H.'s name at a Walmart located at 1729 S. Victoria Avenue, Ventura, California 93003 to attempt to make a purchase in the amount of \$148.00.
SEVEN	Chase Bank	SILVA and REYES	Attempted Execution: Used a Visa debit card ending in -3778 in E.L.H.'s name at the La Vida Loca Smoke Shop located at 2136 Saviers Road, Oxnard, California 93033 to attempt to make a purchase in the amount of \$20.75.

COUNT	BANK	DEFENDANT (S)	ACT
EIGHT	Citibank	SILVA and REYES	Execution: Used a Mastercard credit card ending in -3938 in E.L.H.'s name at the La Vida Loca Smoke Shop located at 2136 Saviers Road, Oxnard, California 93033 to make a purchase in the amount of \$20.75.

COUNT NINE

[18 U.S.C. §§ 1028A(a)(1), 2(a)]

[DEFENDANTS SILVA AND RAMIREZ MARTINEZ]

On or about November 10, 2023, in Ventura County, within the Central District of California, defendants OSCAR AGUIRRE SILVA and EDWARD DONALDO RAMIREZ MARTINEZ, also known as "Edi Donaldo Ramirez Martinez," each aiding and abetting the other, knowingly transferred, possessed, and used, without lawful authority, means of identification that defendants knew belonged to another person, that is, the name of E.L.H., during and in relation to the offense of Bank Fraud, a felony violation of Title 18, United States Code, Section 1344(2), as charged in Count Four of this Indictment.



COUNT TEN

[18 U.S.C. §§ 1028A(a)(1), 2(a)]

[DEFENDANTS SILVA AND RAMIREZ MARTINEZ]

On or about November 10, 2023, in Ventura County, within the Central District of California, defendants OSCAR AGUIRRE SILVA and EDWARD DONALDO RAMIREZ MARTINEZ, also known as "Edi Donaldo Ramirez Martinez," each aiding and abetting the other, knowingly transferred, possessed, and used, without lawful authority, means of identification that defendants knew belonged to another person, that is, the name of E.H., during and in relation to the offense of Bank Fraud, a felony violation of Title 18, United States Code, Section 1344(2), as charged in Count Five of this Indictment.

COUNT ELEVEN

[18 U.S.C. § 1028A(a)(1)]

[DEFENDANT REYES]

On or about November 10, 2023, in Ventura County, within the Central District of California, defendant DAVID RAY REYES, also known as "Dray," knowingly transferred, possessed, and used, without lawful authority, means of identification that defendant REYES knew belonged to another person, that is, the name of E.L.H., during and in relation to the offense of Attempted Bank Fraud, a felony violation of Title 18, United States Code, Section 1344(2), as charged in Count Seven of this Indictment.

COUNT TWELVE

18 U.S.C. § 1028A(a)(1)]

[DEFENDANT REYES]

On or about November 10, 2023, in Ventura County, within the Central District of California, defendant DAVID RAY REYES, also known as "Dray," knowingly transferred, possessed, and used, without lawful authority, means of identification that defendant REYES knew belonged to another person, that is, the name of E.L.H., during and in relation to the offense of Bank Fraud, a felony violation of Title 18, United States Code, Section 1344(2), as charged in Count Eight of this Indictment.

FORFEITURE ALLEGATION

[18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c)]

[ALL DEFENDANTS]

1. Pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, notice is hereby given that the United States of America will seek forfeiture as part of any sentence, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), in the event of any defendant's conviction of the offenses set forth in any of Counts One through Twelve of this Indictment.

2. If so convicted, any defendant shall forfeit to the United States of America the following:

(a) All right, title, and interest in any and all property, real or personal, constituting, or derived from, any proceeds traceable to any of the offenses; and

(b) To the extent such property is not available for forfeiture, a sum of money equal to the total value of the property described in subparagraph (a).

3. Pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), if so convicted, any defendant shall forfeit substitute property, up to the value of the property described in the preceding paragraph if, as the result of any act or omission of any defendant, the property described in the preceding paragraph or any portion thereof (a) cannot be located upon the exercise of due diligence; (b) has been transferred, sold to, or deposited with a third party; (c) has been

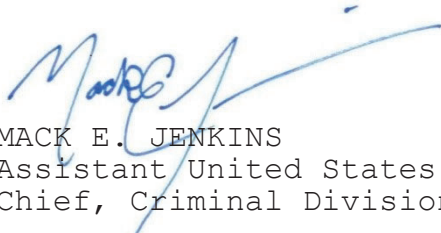
//

1 placed beyond the jurisdiction of the court; (d) has been  
2 substantially diminished in value; or (e) has been commingled with  
3 other property that cannot be divided without difficulty.

4 A TRUE BILL

5  
6 /s/  
7 \_\_\_\_\_  
Foreperson

8 E. MARTIN ESTRADA  
9 United States Attorney

10   
11 MACK E. JENKINS  
12 Assistant United States Attorney  
Chief, Criminal Division

13 JOSHUA O. MAUSNER  
14 Assistant United States Attorney  
15 Chief, Violent & Organized Crime  
Section

16 LYNDSEI ALLSOP  
17 Assistant United States Attorney  
Violent & Organized Crime Section